

Kenneth S. Montoya
kenny@montoyahisellaw.com
Law Offices of Montoya, Hisel and Associates
901 Capitol St. NE
Salem, OR 97301
Telephone: (503) 480-7252
Fax: (503) 779-2716
Attorney for Defendant Polk County

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KEVIN BRATCHER,

Case No. 3:20-cv-02056-SB

Plaintiff,

v.

POLK COUNTY; CITY OF SALEM;
DEPUTY MICHAEL H. SMITH, in his
individual capacity; and DOES 1-4, in their
individual capacity,

**DECLARATION OF KENNETH S.
MONTOKA IN SUPPORT OF COUNTY
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Defendants.

I, Kenneth S. Montoya, hereby declare under the penalty of perjury that the following is true:

1. I am one of the attorneys representing Defendants Polk County and Deputy Michael H. Smith in this case ("County Defendants"). This Declaration is offered to present deposition testimony, media, and documents in support of County Defendants' Motion for Summary Judgment.

2. Attached to this Declaration as “Exhibit 1” are selected pages from the September 30, 2021, deposition of Plaintiff, Kevin Bratcher, along with a certification page from Court Reporter D. Iwalani Carr, who certified the accuracy of the transcript on October 14, 2021.

3. Attached to this Declaration as “Exhibit 2” is Ring video footage from the day of the incident, produced by Plaintiff’s counsel to County Defendants’ counsel on March 1, 2021.

I hereby declare under penalty of perjury that the foregoing is true and correct.

DATED this 28th day of January, 2022.

s/Kenneth S. Montoya
Kenneth S. Montoya, OSB #064467
Attorney for Defendant Polk County

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DECLARATION OF KENNETH S. MONTOKA IN SUPPORT OF COUNTY DEFENDANTS' MOTION FOR SUMMARY JUDGMENT on:

Kevin T. Lafky
Lafky & Lafky
429 Court Street NE
Salem, OR 97301
Attorney for Plaintiff

Jennifer M. Gaddis
City of Salem Legal Department
555 Liberty St. SE, Room 205
Salem, OR 97301
Attorney for City of Salem

by the following indicated method or methods:



by **electronic means through the Court's Case Management/Electronic Case File system** on the date set forth below;

by **emailing** a copy thereof to each attorney at each attorney's last-known email address on the date set forth below;

by **mailing** a full, true, and correct copy thereof in a sealed, first-class postage-prepaid envelope, addressed to plaintiff's last-known address listed above and depositing it in the U.S. mail at Salem, Oregon on the date set forth below.

DATED this 28th day of January, 2022.

s/Kenneth S. Montoya
Kenneth S. Montoya, OSB #064467
Attorney for Defendant Polk County

CERTIFICATE OF SERVICE